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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 ANTHONY MERITT POSEY,

Case No. 2:15-cv-01482-RFB-GWF

11 Petitioner(s),

**UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME (FIRST  
REQUEST)**

12 vs.

13 DWIGHT NEVEN, et al.,

14 Respondent(s).

15 Respondents, by and through counsel, Adam Paul Laxalt, Attorney General of the State of  
16 Nevada, hereby respectfully move this Court for an order granting a forty-five (45) day enlargement of  
17 time, to and including August 9, 2018, in which to file and serve their response to Posey's first-  
18 amended petition.

19 This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure  
20 and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and  
21 other materials on file herein.

22 There have been no prior enlargement of Respondents' time to file said response, and this  
23 motion is made in good faith and not for the purposes of delay.

24 **RESPECTFULLY SUBMITTED** this 21st day of June, 2018.

25 ADAM PAUL LAXALT  
26 Attorney General

27 By: /s/ Heather D. Procter  
HEATHER D. PROCTER (Bar. No. 8621)  
28 Senior Deputy Attorney General

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12 vs.

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14 Respondent(s).

Case No. 2:15-cv-01482-RFB-GWF

**DECLARATION OF COUNSEL**

15 STATE OF NEVADA )  
16 CARSON CITY ) : ss.

17 I, HEATHER D. PROCTER, hereby states, based on personal knowledge and/or information  
18 and belief, that the assertions of this declaration are true:

19 1. I am a Senior Deputy Attorney General employed by the Attorney General's Office of the  
20 State of Nevada in the Bureau of Criminal Justice, Post-Conviction Unit, and I make this declaration on  
21 behalf of Respondents' motion for enlargement of time.

22 2. By this motion, I am requesting a forty-five (45) day enlargement of time, to and including  
23 August 9, 2018, to respond to Posey's first-amended federal habeas petition. This is my first request for  
24 enlargement.

25 3. The response is currently due June 25, 2018.

26 4. Since this Court ordered a response to the first-amended petition, I have been involved in  
27 defending federal and state petitions, including *Anderson v. Neven* (2:14-cv-2015-JAD-VCF); *Anderson*  
28 *v. Baca* (3:16-cv-0545-MMD-WGC); *Dominguez v. Williams* (2:12-cv-1608-JAD-PAL); *Grow v.*

1 *Dzurenda* (3:17-cv-0637-MMD-WGC); *Guerrero v. Williams* (2:13-cv-0328-JAD-CWH); *Guzman v.*  
2 *Nevada Attorney General* (3:17-cv-0515-HDM-VPC); *Hannon v. State* (state extradition proceedings);  
3 *Hanson v. Baker* (9th Cir. 18-15547); *McClain v. Williams* (2:17-cv-0753-RFB-NJK); *Melendez v.*  
4 *Neven* (2:16-cv-1003-JAD-CWH); *Miranda-Rivas v. Wickham* (3:16-cv-0663-MMD-VPC); *Sanders v.*  
5 *Williams* (2:14-cv-1966-JCM-NJK); *Taylor v. Myles* (9th Cir. 17-15522); *Tompkins v. Baca* (3:16-cv-  
6 0444-MMD-WGC); *Wirth v. Baker* (state habeas evidentiary hearing); and dozens of state habeas  
7 petitions addressing inmate time calculations within the prison system. In addition, I was out of the  
8 office June 1-8, 2018, and will be out June 21-22, 2018, for presentations, attending a conference, and  
9 pre-planned annual leave. As such, I request a forty-five (45) day enlargement of time to and including  
10 February 2, 2018, to respond to the petition.

11 5. This motion for enlargement of time is made in good faith and not for the purpose of  
12 unduly delaying the ultimate disposition of this case.

13 6. I contacted the Federal Public Defender, CB Kirschner, who has no objection to this  
14 enlargement.

15 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the  
16 foregoing is true and correct.

17 /s/ Heather D. Procter  
18 HEATHER D. PROCTER

19 **ORDER**

20 IT IS SO ORDERED.

21 Dated this 22nd day of June, 2018

22  
23  
24   
25 RICHARD F. BOULWARE, II  
26 United States District Court  
27  
28

## **CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General and that on this 21st day of June, 2018, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME (FIRST REQUEST)** by U.S. District Court CM/ECF electronic filing to:

CB Kirschner  
Assistant Federal Public Defender  
411 E Bonneville Ave. Ste. 250  
Las Vegas, Nevada 89101

/s/ Amanda White